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09/321,569	05/28/1999	JOHN S. HENDRICKS	5211	6672

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ANDREWS KURTH L.L.P.  
1701 PENNSYLVANIA AVENUE, N.W. SUITE 300  
WASHINGTON, DC 20006

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/321,569

Applicant(s)

HENDRICKS ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,4-12,14-26,28-73 and 77-93 is/are rejected.
- 7) ☒ Claim(s) 2,3,13,27 and 74-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4, 5</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 14, 15, 17, 20-22, 26, 28, 29, 32-36, 51-54 57 and 67-72 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,479,268.

Regarding claims 1, 36, 57, 61, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Regarding claims 4-7, 26, 28 29, Young discloses that a user may use a theme command and topic selection, these themes and topics include Action, and documentary (figure 14-17).

Regarding claims 14, 15, 32 Young discloses in figure 14 that a user may select a rating search criteria, such as G, PG, NR and R.

Regarding claims 17 and 21, Young discloses buttons 106 in Figure 14 including a movies button 106 Figure 14).

Regarding claim 20, Young discloses in figure 21, a remote control.

Regarding claim 22, Young discloses in Figure 10, a program abstract 70.

Regarding claims 33-35, Young discloses that the search results, including program descriptions (titles/times) are displayed after a user selects the selection criteria (Figure 18).

Regarding claims 51-54, Young discloses that a user may search by topic or theme, and these search results are presented to a user (figure 18), these categories include sports, movies and documentaries (Figures 14-17).

Regarding claim 67, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor 228 searches program guide data stored in memory 232, based of criteria selected by a user utilizing remote 212, the criteria being stored in system ram 240, and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Regarding claim 68, Young discloses the use of video display generator 224 to output the listings for display on the TV (column 13, lines 8-13).

Young inherently makes use of a graphics decompressor, text generator and combiner, as Young discloses combined text/graphical displays figure 10, 13 and 14).

Regarding claim 69, Young discloses in Figure 21, a remote control that is utilized to navigate the EPG menus (column 12, lines 23-37).

Regarding claims 70-72, Young discloses in figures 14-17 a number of menus and sub menus which enable a user to add preferences and search criteria, these menus are generated by video display generator 224 (column 13, lines 8-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55, 58-60, 62, 68, and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young.

Regarding claim 55, Young discloses that a user may search by topic or theme, and these search results are presented to a user (figure 18), these categories include comedy (Figures 14-17).

Young does not disclose the use of a sitcom category.

The examiner takes official notice that a sitcom category is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young to include a sitcom category to enable a user to rapidly find a sitcom of interest.

Regarding claim 58-60 and 62, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria,

Art Unit: 2611

a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose enabling a user to search a database of listings for items for rental and sale at a video store, or searching at a library, bookstore or personal computer.

The examiner takes official notice that searching of a database at a video store, library, bookstore or a personal computer (for example Usenet or fidonet), for items for sale, rental or borrowing is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to enable searching of a database at a video store, library, bookstore or a personal computer, for items for sale, rental or borrowing in order to take advantage of the speed that a computer based search offers to readily find items of interest.

Regarding claim 68, Young discloses the use of video display generator 224 to output the listings for display on the TV. (Column 13, lines 8-13).

Young does not disclose the use of a text generator and video combiner.

The examiner takes official notice that the use of a text generator and a video combiner to combine graphics and text for display is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young to include a text generator and a video combiner to combine graphics and text for display in order to fully display EPG listings.

Regarding claims 70-72, Young discloses that a user may enter viewer preferences to better select programming of interest (figures 14-18, column 10, line 21-column 111, line 32).

Claims 16, 18-19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 4,992,972 to Brooks.

Regarding claims 16, 18-19, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose enabling the entry of words to search for a program, and the use of negative search criteria.

Brooks discloses an online search function in which a user may enter multiple keywords to search for a topic, and utilizes keys on a keyboard to move a cursor on a menu display screen (column 2, lines 18-28, column 3, line 23-64, column 4, lines 35-58).

The examiner takes official notice that the use of Boolean logic, including a NOT term, to include and exclude words in a search is well known in the art.

Therefore it would have been obvious to one skilled in the art, at the time of invention to modify the EPG of Young to enable a user to search a database, as taught

Art Unit: 2611

by Brooks and utilize a negative search term, in order to quickly find programs of interest, and more precisely define a search by excluding items which might be retrieved that are not of interest.

Regarding claim 25, Brooks discloses that a :ischsyn tag may be used to return synonyms for a root search term.

Claims 8, 9, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,483,278 to Strubbe.

Regarding claims 8, 9, 23, and 30, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose a video clip as a program descriptor or searching by actors name.

Strubbe discloses a program search system in which a user may search by featured star or view a video clip related to a program (column 3, line 66-column 4, line 7, lines 33-39, column 5, lines 10-16).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the video clip and actors name criteria of Strubbe to enable a user to better decide which programs to watch.



Claims 10, 12, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,532,754 to Young.

Regarding claims 10, 12, and 31, Young (268) discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young (268) does not disclose the use of time as search criteria.

Young (754) discloses that a user may use a set of selection boxes to set the range of years for program searches (column 14, lines 37-53).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the EPG search criteria of Young (268) to include the year range of Young (754) to reduce the number of search results and increase the ease of searching.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,532,754 to Young in further view of U.S. Patent 4,706,121 to Young.

Regarding claim 11, Young (268) discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a

Art Unit: 2611

processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young (268) and Young (754) do not disclose a preferred time criteria.

Young (121) discloses that a use may press a P button (figure 5) to restrict listings to just prime time (column 13, line 61-column 14, line 27).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young (268/754) to include the preferred time of day feature of Young (121) to enable a user to quickly browse prime time programming and locate shows of interest.

Claims 37-50 and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 4,602, 279 to Freeman.

Regarding claim 37-40, 42, 43, and 50, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose utilizing and asking questions to create a personal profile.

Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different programming options are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize demographic data supplied by a user, to better tailor programming choices of interest to that user.

Regarding claims 41 and 44-49, Freeman discloses a profiling system.

Young and Freeman do not disclose asking profiling characteristics, such as name, place of birth, place of higher education, employment type, amount of television viewing, number of programs watched in a particular programming category.

The examiner takes official notice that surveys, opinion polls, and the census are well known in the art for collecting demographic and profiling data including name, place of birth, place of higher education, employment type, amount of television viewing, number of programs watched in a particular programming category are well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to collect additional profiling data such as name, place of birth, place of higher education, employment type, amount of television viewing, number of programs watched in a particular programming category, in order to better tailor programming choices.

Regarding claim 63-64, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Regarding claim 65, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Young and freeman do not disclose enabling a user to make a purchase of an advertised item.

The examiner takes official notice that allowing a user to make a purchase of an advertised item via a stb is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to enable a user to make a purchase of an advertised item, in order to enable a user to make an impulse buy.

Regarding claim 66, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Young and freeman do not disclose displaying an ad along with the search criteria.

The examiner takes official notice that displaying an advertisement along with search criteria is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to display a targeted advertisement along with search criteria, in order to display ads which are of interest to a user and subsidize programming costs.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,550,863 to Yurt.

Regarding claim 56, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose the use of electronic books.

Yurt discloses a system for transmitting data in which a user requests audio video or electronic books (column 4, lines 51-60, column 5, line 63-column 6, line 4).

Therefore, it would have been obvious to one skilled in the art to modify Young to include electronic books as taught by Yurt, to enable a user to readily access an electronic book of interest from a remote location.

Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,775,935 to Yourick in view of U.S. Patent 5,479,268 to Young.

Regarding claim 73, Yourick discloses a recommendation system, in which a user answers profiling questions via touch screen interface, which connects to a digital computer 5, the computer then processes the profile and determines which merchandise would be of interest to a user to purchase (column 3, lines 56-64, column 4, lines 4-50, column 5, line 1-column 6, line 16, column 13, lines 31-56).

Yourick inherently contains a processor and memory as a processor is required to interpret a user's selections and memory is required to store the merchandise entries and associated profiling scores.

Yourick does not disclose recommending video selections.

Young discloses an EPG system in which a user enters search criteria and video selections are returned (column 10, line 21-column 11, line 33).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the suggestion/profiling features of Yourick to include the video program entries of Young, to enable a user to quickly select programming, which would be of the most interest.

Claims 77-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,775,935 to Yourick in view of U.S. Patent 5,479,268 to Young in further view of U.S. Patent 5,251,324 to McMullan.

Regarding claims 77 and 78, Yourick discloses a merchandize profiling/selection system.

Yourick and Young do not disclose the use of historical data, including programs watched data as part of a profile.

McMullan discloses a system in which a user enters profiling data, the programs a user watches are then tracked and reported to better determine the specific audience for each program (column 23, line 65-column 24, line 49, column 25, line 51-column 26, line 15).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yourick/Young to include the programs watched feature of McMullan to better profile a user and match programs of interest to a user.

Regarding claims 79, 82, 84, 85, 87, and 90-93, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose the use of viewing preferences and historical data.

Yourick discloses a recommendation system, in which a user answers profiling questions via touch screen interface at a kiosk, which connects to a digital computer 5, the computer then processes the profile and determines which merchandise would be of interest to a user to purchase (column 3, lines 56-64, column 4, lines 4-50, column 5, line 1-column 6, line 16, column 13, lines 31-56).

McMullan discloses a system in which a user enters profiling data, the programs a user watches are then tracked and reported to better determine the specific audience for each program (column 23, line 65-column 24, line 49, column 25, line 51-column 26, line 15).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the profiling features of Yourick to better suggest programs of interest to a user, and to use the historical profiling features of McMullan to more accurately profile a user and more accurately suggest programs of interest.

Regarding claims 80-81 and 88-89, McMullan discloses a user may utilize a keyboard 440 to enter demographic data such as sex or age (column 25, lines 51-67).

Regarding claim 83, Yourick discloses a recommendation system, in which a user answers profiling questions via touch screen interface, which connects to a digital computer 5, the computer then processes the profile and determines which merchandise would be of interest to a user to purchase (column 3, lines 56-64, column 4, lines 4-50, column 5, line 1-column 6, line 16, column 13, lines 31-56).

The combination of Young, Yourick and McMullan do not disclose utilizing a Boolean search.

The examiner takes official notice that the use of Boolean search terms to refine a search is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young, Yourick and McMullan to utilize Boolean search terms to refine a search to make it more specific.



Regarding claim 86, McMullan discloses that user profile and programs watched information may be transmitted upstream to the systems manager (column 26, lines 1-41).

Young receives the EPG data remotely from a TV station (column 12, lines 53-61).

Young, Yourick and McMullan do not disclose that the database memory and processor are located in an operations center of a TV program delivery system.

The examiner takes official notice that locating a database, processor and memory in a network operations center, and utilizing search criteria to search a remote database is well known in the art, for example a "dumb" terminal accessing a mainframe.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young, Yourick and McMullan to locate database, processor and memory in a network operations center to reduce the complexity and cost of each set top box.

#### ***Allowable Subject Matter***

Claims 2, 3, 13, 27, and 74-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-

Art Unit: 2611

305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

  
HAITRAN  
PATENT EXAMINER